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BARGE SAFETY LEGISLATION Q & A's

Why do we need state legislation? Didn't a Barge Safety Regional Risk Assessment Team recently complete a comprehensive study which resulted in recommendations on a regional level specifically to preclude the necessity for state legislative initiatives?

► Yes, a team comprised of representatives from the Coast Guard, Northeast States, environmental groups and barge transportation companies that operate in our waters recently completed a nine-month study resulting in a report which contains numerous recommendations to adopt or change industry operating practices. The team recommended the Coast Guard develop federal regulations on various issues to provide enforcement authority. Industry representatives from seven of the major towing companies operating in the Northeast participated on the team and have agreed to voluntarily adopt the operational recommendations prior to any regulatory imposed deadlines. The cooperative spirit and willingness of those companies to immediately implement the report recommendations is applauded. The Coast Guard has begun the first steps in the federal rule making process based on recommendations in the report. However, experience has demonstrated that the regulatory adoption process can take an extremely long time. This state initiative demonstrates to industry and federal regulators that Massachusetts is determined to protect its coastal resources. Our participation in the Barge Safety Regional Risk Assessment Team demonstrated our commitment to work cooperatively with the Coast Guard, other states and maritime industry while our legislative initiative demonstrates our resolve to insure that our interests are adequately addressed in a timely manner. The proposed legislation does not conflict with recommendations the Barge Safety Regional Risk Assessment Team.

Aren't all barges already required to have an anchor?

► No. Under existing federal regulations, some barges such as unmanned tank barges are not required to have an anchor. The Barge Safety Regional Risk Assessment Team recommends an operable anchor system on both manned and unmanned barges.

Will requiring that tank barges be manned prevent all oil spills from tank barges?

► No. It is not possible to legislate an end to oil spills. We do, however, believe that requiring tank barges to be manned provides an added measure of safety and thus protection for the Commonwealth's coastal resources. Some, although not all, marine transportation companies share our belief and have voluntarily chosen to operate exclusively manned barges in New England waters. Boston Towing & Transportation Co., a local company in its third generation of private ownership and headquartered in East Boston, has operated only manned barges since 1932.



Why does the legislation allow DEP to "accept" other measures to satisfy the manning requirement? Isn't that a relaxation of the requirement?

► It is not a relaxation of the requirement in that DEP is allowed to accept other technical or operational measures instead of manning. Such other measures must offer an acceptable equivalent level of protection. Manned barges require safety equipment and accommodation spaces not found on unmanned barges. It may be impossible to retrofit some barges to accommodate a crew. This provision recognizes that some barges may present physical challenges that make it impossible to maintain a crew on the barge and gives owners of such barges other options.

How does DEP determine what is acceptable? What would be acceptable?

► The Barge Safety Regional Risk Assessment Team Report identified several operational and technical measures to improve barge safety. Several alternatives that may be acceptable based on the operation in question include:

- The tug is made fast to the barge either alongside or pushing ahead and has additional qualified crew aboard the tug that could board the barge if needed.
- Redundant barge emergency insurance tow line with pickup capability on tug and barge retrieval device with pickup capability on the tug.
- Use of a comprehensive voyage plan which includes specific information related to weather, vessel equipment, communication and navigation requirements for the transit.
- Navigation safety equipment for the tug as specified in Title 33 CFR 164.
- Use of Differential Global Positioning System (DGPS).
- Use of twin screw, twin engine tug or tug escort.
- Human Factors/crew fatigue awareness training for company personnel
- Adoption by the company of the AWO Responsible Carrier Program.

Why do we need a liability release clause for cleanup and removal costs?

► This "good samaritan" clause removes an existing deterrent to mariners to render aid to vessels in peril because of oil spill liability that would attach to the aiding vessel.

Why should we consider exempting some tank barges?

► Some cargo is so dangerous that Coast Guard regulations prohibit its carriage on barges with a crew. State requirements should not conflict with such provisions.

Why delay the effective date to October 1, 1997?

► The current Coast Guard Congressional Authorization required the Coast Guard to adopt measures to increase the safety of tank barge operations not later than October 1, 1997. That effective date was chosen for the Massachusetts legislation to demonstrate our cooperation with the Coast Guard's congressional mandate for action.